

Atty Docket No.: R0151B-REG  
USSN: 10/702,302

### REMARKS

Claims 1-3, 5-16 and 33-50 are pending in the above-identified patent application. Claims 1, 5, 13, 14, 35, 36 and 49 are amended herein. No new matter is introduced, and Applicants' amended claims are fully supported by Applicants' specification. Claims 4 and 17-32 were previously canceled, and claims 44-46 were previously withdrawn.

#### 1. Abstract

The Examiner recommended that a new Abstract be submitted that includes definitions for the variables X, Y, Z,  $R^2$  and n and which includes the use of the subject compounds. The Applicants have submitted a new Abstract in accordance with the Examiner's recommendation.

#### 2. Claim Objections

Claim 13 was objected to for lack of a period. Applicants have amended claim 13 to include the missing period.

Claim 14 was objected to because of the inconsistent use of italicized "H" in the compound nomenclature of the various recited species. Applicants believe that the italicized "H" is the correct nomenclature and have amended claim 14 to replace non-italicized "H" with italicized "H" where appropriate.

Claim 35 was subject to objection because of the exclusion of variables  $R^a$  and  $R^b$  which should properly with the other variables that make reference to claim 1. Applicants have amended claim 35 to include the missing  $R^a$  and  $R^b$  noted by the Examiner.

#### 3. Rejection of Claims Under 35 USC §112, Second Paragraph

Claims 1-3, 5-13, 15-16, 33-43 and 47-50 were rejected under 35 USC §112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

In Claim 1 the Examiner indicated that the language " $R^3$  and  $R^4$  together with their shared carbon may form a ring of 3 to 6 members that optionally includes a nitrogen or oxygen heteroatom" was vague and indefinite and failed clarify whether or not the ring

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was carbocyclic or heterocyclic. The Applicants have amended claim 1 to more particularly recite "R<sup>3</sup> and R<sup>4</sup> together with their shared carbon may form a carbocyclic ring of 3 to 6 members ~~that optionally includes a nitrogen or oxygen heteroatom~~". The recited carbocyclic ring may be seen, for example, in compound 47 of Table 1 (where R<sup>3</sup> and R<sup>4</sup> together with their shared carbon form a cyclobutyl ring) on page 28 of Applicants' specification.

The Examiner indicated that dependency of claim 5 to claim 43 was unclear. The Examiner correctly assumed that claim 5 depends from claim 3. The confusion was introduced by the use of "strikethrough" which is not visible in the number "4". Applicants have amended claim 5, using double brackets as suggested by the Examiner, to clarify the dependency of claim 5 to claim 3.

Claims 35 was rejected as vague and indefinite with regard to the recitation of "R<sup>10</sup>" in the phrase referencing claim 1, since claim 1 provides no antecedent basis for the variable R<sup>10</sup>. Applicants have amended claim 35 by deleting "R<sup>10</sup>" from the phrase that makes reference to claim 1.

Claim 36 was similarly rejected for reciting the variable R<sup>10</sup>, for which no antecedent basis is provided by base claim 1. Applicants have amended claim 36 by deleting "R<sup>10</sup>" from the phrase that makes reference to claim 1, and by including definitions for the variables "t" and "R<sup>10</sup>".

Claim 49 has been amended to remove an incorrect reference to claim 41. Claim 49 depends from independent claim 47 which provides antecedent basis for the variables "t" and "R<sup>10</sup>".

#### 4. Claim Objection

The Examiner objected to claim 14 as being dependent on a rejected base claim but which would otherwise be allowable if rewritten in independent form. In view of the amendments made to base claim 1 noted above, Applicants believe that claim 14 should be allowable in its present form.

#### 5. Rejoinder of Claims 44-46

The Applicants note that withdrawn method claims 44-46 depend from base claim 1, which is amended herein. In the event that the Examiner deems claim 1 to be

Atty Docket No.: R0151B-REG  
USSN: 10/702,302

allowable, Applicants respectfully believe that rejoinder of dependent method claim 44-46 would be proper.

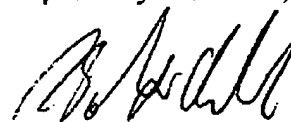
Atty Docket No.: R0151B-REG  
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### CONCLUSION

The Applicants respectfully believe that all claims pending in the above-identified case are now in condition for allowance. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-354-7540.

No fees should be due. However, in the event it is determined that a fee is due, please charge same to Deposit Account No. 18-1700.

Respectfully submitted,



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